

AMENDED IN ASSEMBLY JUNE 29, 2004

AMENDED IN ASSEMBLY JUNE 22, 2004

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1768

Introduced by Senator Romero

February 20, 2004

An act to amend Section 830.33 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1768, as amended, Romero. Peace officers.

Existing law defines various species of peace officers, including their powers and authority.

This bill would authorize railroad police officers, as specified, and their employing agencies, to access the California Law Enforcement Telecommunications System, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.33 of the Penal Code is amended to
2 read:
3 830.33. The following persons are peace officers whose
4 authority extends to any place in the state for the purpose of
5 performing their primary duty or when making an arrest pursuant

1 to Section 836 as to any public offense with respect to which there
2 is immediate danger to person or property, or of the escape of the
3 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
4 the Government Code. Those peace officers may carry firearms
5 only if authorized and under terms and conditions specified by
6 their employing agency.

7 (a) A member of the San Francisco Bay Area Rapid Transit
8 District Police Department appointed pursuant to Section 28767.5
9 of the Public Utilities Code, if the primary duty of the peace officer
10 is the enforcement of the law in or about properties owned,
11 operated, or administered by the district or when performing
12 necessary duties with respect to patrons, employees, and
13 properties of the district.

14 (b) Harbor or port police regularly employed and paid in that
15 capacity by a county, city, or district other than peace officers
16 authorized under Section 830.1, if the primary duty of the peace
17 officer is the enforcement of the law in or about the properties
18 owned, operated, or administered by the harbor or port or when
19 performing necessary duties with respect to patrons, employees,
20 and properties of the harbor or port.

21 (c) Transit police officers or peace officers of a county, city,
22 transit development board, or district, if the primary duty of the
23 peace officer is the enforcement of the law in or about properties
24 owned, operated, or administered by the employing agency or
25 when performing necessary duties with respect to patrons,
26 employees, and properties of the employing agency.

27 (d) Any person regularly employed as an airport law
28 enforcement officer by a city, county, or district operating the
29 airport or by a joint powers agency, created pursuant to Article 1
30 (commencing with Section 6500) of Chapter 5 of Division 7 of
31 Title 1 of the Government Code, operating the airport, if the
32 primary duty of the peace officer is the enforcement of the law in
33 or about properties owned, operated, and administered by the
34 employing agency or when performing necessary duties with
35 respect to patrons, employees, and properties of the employing
36 agency.

37 (e) (1) Any railroad police officer commissioned by the
38 Governor pursuant to Section 8226 of the Public Utilities Code, if
39 the primary duty of the peace officer is the enforcement of the law
40 in or about properties owned, operated, or administered by the

1 employing agency or when performing necessary duties with
2 respect to patrons, employees, and properties of the employing
3 agency.

4 (2) Notwithstanding any other provision of law, a railroad
5 police officer *who has met the current requirements of the*
6 *Commission on Peace Officer Standards and Training necessary*
7 *for exercising the powers of a peace officer; and who has been*
8 commissioned by the Governor as described herein, and the
9 officer's employing agency, may apply for access to *information*
10 *from* the California Law Enforcement Telecommunications
11 System (CLETS) through a local law enforcement agency that has
12 been granted direct access to CLETS, provided that, in addition to
13 other review standards and conditions of eligibility applied by the
14 Department of Justice, the CLETS Advisory Committee and the
15 Attorney General, before access is granted the following are
16 satisfied:

17 (A) The employing agency shall enter into a ~~CLETS subscriber~~
18 *Release of CLETS Information* agreement as provided for in the
19 CLETS policies, practices, and procedures, and the required
20 background check on the peace officer and other pertinent
21 personnel has been completed, together with all required training.

22 (B) ~~The subscriber~~ *Release of CLETS Information* agreement
23 shall be in substantially the same form as prescribed by the CLETS
24 policies, practices, and procedures for public agencies of law
25 enforcement who subscribe to CLETS services, and shall be
26 subject to the provisions of Chapter 2.5 (commencing with Section
27 15150) of Title 2 of Division 3 of the Government Code and the
28 CLETS policies, practices, and procedures.

29 (C) (i) The employing agency shall expressly waive any
30 objections to jurisdiction in the courts of the State of California for
31 any liability arising from use, abuse, or misuse of CLETS access
32 or services or the information derived therefrom, or with respect
33 to any legal actions to enforce provisions of California law relating
34 to CLETS access, services, or information under this subdivision,
35 and provided that this liability shall be in addition to that imposed
36 by Public Utilities Code Section 8226.

37 (ii) The employing agency shall further agree to utilize CLETS
38 access, services, or information only for law enforcement
39 activities by peace officers *who have met the current requirements*
40 *of the Commission on Peace Officer Standards and Training*

1 *necessary for exercising the powers of a peace officer; and who*
2 *have been* commissioned as described herein who are operating
3 within the State of California, where the activities are directly
4 related to investigations or arrests arising from conduct occurring
5 within the State of California.

6 (iii) The employing agency shall further agree to pay to the
7 Department of Justice and the providing local law enforcement
8 agency all costs related to the provision of access or services,
9 including, but not limited to, any and all hardware, interface
10 modules, and costs for telephonic communications, as well as
11 administrative costs.

